

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States Courthouse
300 Quarropas Street
White Plains, New York 10601*

August 31, 2022

Application granted.

The questions identified below will be added to the *Voir Dire* Form and Ms. Becker will replace Ms. Kastrati.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 58.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
September 1, 2022

Re: *United States v. Darren Smith, 20 Cr. 519 (PMH)*

Dear Judge Halpern:

The parties write jointly with respect to the Court's proposed *voire dire*. In addition to the questions set forth in the Court's proposal, the parties would respectfully request that prospective jurors be asked the following questions:

1. Will you have any difficulty accepting the proposition that the defendant is presumed to be innocent and has no obligation to prove his innocence, and that the task of proving guilt beyond a reasonable doubt rests exclusively with the Government?
2. Will you have any difficulty accepting the proposition that a defendant is under no obligation to testify and that our Constitution guarantees that the decision not to testify cannot be held against a defendant?
3. Will you have any difficulty accepting the proposition that the question of punishment is for the Court alone to decide, and that the question of possible punishment must not enter into your deliberations as to whether the defendant is guilty or not guilty of the crime charged?
4. Will you have any difficulty accepting the proposition of law that sympathy or empathy must not enter into the deliberations of the jurors, and that only the evidence or lack of evidence produced here in Court may be used by you to determine whether the defendant is guilty or not guilty of the crime charged?

In addition, the Government will now be assisted at trial by paralegal Shannon Becker. In light of this, the Government would respectfully request that, in question 12, Iliriana Kastrati be taken out and replaced with Shannon Becker

Very truly yours,
DAMIAN WILLIAMS
United States Attorney

By: /s/
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